

1 social relationship with her?

2 A Not outside of the station.

3 Q In terms of her coming to the station to
4 volunteer, would you characterize her as a reliable
5 individual?

6 A AS I recall, when I gave her, asked her to do
7 tasks, she would do them reliably.

8 Q And do you have any knowledge as to what her
9 educational background was?

10 A Not that I recall.

11 Q But in terms of the tasks that you would give her,
12 and we haven't talked about what those were yet but, in
13 terms of the tasks that you would give her, she basically
14 performed them as you had asked her to do?

15 A Yes.

16 Q In terms of the review of the Public File that she
17 apparently undertook in the summer of 1997, did she talk
18 with you at all about what it was that she found when she
19 looked through the station's Public Inspection File?

20 A No.

21 Q Do you know who it was that she reported to with
22 respect to this matter, the Public Inspection File?

23 A She reported to Jeff Ramirez.

24 Q Do you have any knowledge as to whether she
25 reported to anybody else about the Public Inspection File?

1 A Not to my knowledge.

2 Q In the Summer of 1997, and I recognize this is
3 going to be a little bit difficult but, in the Summer of
4 1997 do you have any knowledge as to whether -- as to the
5 nature of Ms. Hecht's relationship with Mr. Ramirez, was it
6 cordial, was it hostile, was it remote, do you have any
7 knowledge as to how that relationship was?

8 A I don't recall anything specific about the
9 relationship, good or bad, one way or the other. She came
10 into the station whenever she came in and she left at the
11 end of the day, after X number of hours, there was never
12 anything that I can recall or anybody saying anything to me
13 about their interactions with her, other than what she had
14 just been asked to do, whatever tasks she had done and that
15 was it.

16 Q Did Mr. Ramirez ever talk to you about what it was
17 that Ms. Hecht had reported to him, in terms of what was in
18 or was not in the station's Public Inspection File?

19 A No.

20 Q Now, you had an opportunity to observe Ms. Hecht
21 over a number of years was it, on a roughly once a week
22 basis when she would come in to assist?

23 A Approximately.

24 Q Do you have any opinion as to Ms. Hecht's honesty?

25 A I have no reason to question her honesty while she

1 was a volunteer at KALW, in relation to what she did at
2 KALW, that I was aware of.

3 MR. SHOOK: Now, the next document I want to bring
4 to your attention is from, let's see, where did I manage to
5 put this. If we could go off the record for a second
6 please.

7 (Off the record at 10:14 a.m.)

8 (Back on the record at 10:14 a.m.)

9 MR. SHOOK: The next document I want to bring to
10 your attention comes from the Opposition to Petition to Deny
11 that was filed by the San Francisco Unified School District
12 with the Federal Communications Commission on January 20,
13 1998. And we can again go through the same procedure as we
14 have before. I will give the document to your counsel and
15 the particular part I want you to focus on you can go over.

16 THE WITNESS: Okay.

17 MR. SHOOK: We can go off please.

18 (Off the record at 10:15 a.m.)

19 (Back on the record at 10:17 a.m.)

20 MR. SHOOK: Back on the record.

21 BY MR. SHOOK:

22 Q Mr. Helgeson, your counsel for SFUSD has read to
23 you paragraph 12 of the declaration of Jeffrey Ramirez,
24 which he apparently executed on January 17, 1998, in
25 connection with an Opposition to Petition to Deny that was

1 filed by Golden Gate Public Radio. The question I have for
2 you, with respect to paragraph 12 is, did you have any role
3 whatsoever in providing information to Mr. Ramirez, in
4 connection with the assertions that he made in that
5 paragraph?

6 A No. And I certainly -- not that I can recall.

7 Q Do you recall discussing with him the information
8 that appears in paragraph 12 of Mr. Ramirez's declaration?

9 A No, I don't.

10 Q Do you recall discussing with Mr. Ramirez any
11 conversation he had with Mr. Evans on the subject of the
12 station's Public Inspection File?

13 A Mr. Evans' name certainly came up in
14 conversations, but I can't recall in what context. At that
15 time, just a little side, Mr. Evans had been in a traffic
16 accident in late 1997, and he was in a medical facility at
17 that time, so there was conversations about Mr. Evans quite
18 a bit. Although, like I say, I can't recall the exact
19 context.

20 Q Now, we hadn't talked about Mr. Evans before this.
21 What connection did Mr. Evans have with the radio station,
22 if any, while you were working at KALW?

23 A At the time I came here, at the time I came there,
24 at KALW, he was employed as the station's Chief Engineer.

25 Q How long did he remain the station's Chief

1 Engineer?

2 A From the time I got there and he was employed at
3 KALW, until his accident in 1997.

4 Q Prior to his accident in 1997, did Mr. Evans
5 experience any kind of health problem?

6 A He seemed to be not well.

7 Q Were there occasions when Mr. Evans had to miss
8 work as a consequence of his not feeling well?

9 A Dave Evans did not keep, in the time I remember
10 him there, didn't keep shall we say 9:00 to 5:00 hours, that
11 was considered regular, given the nature of the job. There
12 came to be a period of time in the mid 1990s where we saw
13 very little of, what seemed like in my estimation we saw
14 very little of him at the station.

15 Q As a result of his not being at the station as
16 much, was there any move at that time to try to remove him
17 from his employment?

18 A I don't know if I would use the term remove him
19 from the employment.

20 Q Okay. What term would you use?

21 A The manager and the, at the time Rose Levinson,
22 who was General Manager, and Enrique Palacios, who was the
23 School District Administrator overseeing or responsible for
24 the radio station, were concerned about Mr. Evans' job
25 performance, I know that.

1 Q And how did this concern get manifested, what
2 happened?

3 A There were some duties, at the time we were
4 looking at designing a new radio station facility from where
5 we were at that time in 1995, and it required quite a bit of
6 input from the engineer of the station regarding technical
7 matters. And there was frustration on the part of Palacios
8 and Levinson that Evans wasn't as available as she should be
9 to help out in that design phase.

10 Q Was there ever any move to hire like perhaps a co-
11 Chief Engineer or somebody to provide fill-in engineering
12 services, given Mr. Evans' unavailability?

13 A AT one point we did end up hiring someone else to
14 help out, Philip Hartman, who to this day is a contract
15 engineer with KALW.

16 Q Now, approximately when did Mr. Hartman come into
17 the picture?

18 A Approximately 1996, I couldn't tell you an exact
19 date, but it certainly was before the move to the current
20 facility, which happened at the very end of 1996. So, I
21 want to say some time probably in earlier 1996, maybe late
22 1995.

23 Q This brings to mind something else. With respect
24 to your tenure at KALW, how many different office locations
25 has the radio station had?

1 A From the time I started volunteering there until
2 the earthquake in 1989, we were at 2905 21st Street, the
3 fifth floor of the O'Connell High School. The October 1989
4 earthquake damaged that building to the point where no one
5 else could -- it was condemned, subsequently been torn down.
6 We had a temporary office in the abandoned -- the high
7 school moved away and there was a gymnasium that was
8 separate from the building that the station was in, and the
9 gymnasium was abandoned, since the students had moved away.
10 And so we put the office of the radio station in what was
11 the girl's locker room of the gymnasium. The broadcast
12 facilities of the radio station were moved to the
13 transmitter site, temporarily, of radio station KSFO in San
14 Francisco, which was several miles away from the gymnasium.
15 That last situation lasted until 1991 when new temporary
16 facilities were built on the basketball court of the
17 gymnasium. And at that point we had studios and offices
18 back together again in 1991. If you could picture the
19 offices consisted of desks and shelves and tables and
20 chairs, and we were basically sitting under the basketball
21 hoops of this gymnasium. And the studios were little rooms
22 that were built on the court, the basketball court. That
23 situation lasted until the end of 1996 when the current
24 facilities that were in were constructed on the campus of
25 the Philip Burton High School, which is where we are to this

1 day.

2 Q Now, with respect to the current location of the
3 radio station, do you have any knowledge as to where the
4 radio station's Public Files are at present?

5 A At present they are in a file cabinet in the
6 Station Manager's office.

7 Q Approximately how long has that been the case?

8 A It has been the case since Nicole Sawaya has been
9 at KALW as General Manager, in 2001.

10 Q Prior to the time Ms. Sawaya became General
11 Manager, where were the KALW Public Inspection File, where
12 was the KALW Public Inspection File located?

13 A It resided in one drawer of a four drawer unlocked
14 file cabinet in the main office, it was an open office at
15 Burton High School, which was in an open office area, not a
16 locked office. When we were on the basketball court in the
17 gymnasium, it was also again in that file cabinet in an open
18 area. There were no private offices and the file cabinet
19 was never locked.

20 Q Now, in terms of the, from the end of 1996 when
21 the station first moved to Burton High School, until the
22 file was relocated to Ms. Sawaya's office, you indicated
23 that it was one drawer of a four drawer file cabinet that
24 held the station's Public File?

25 A Yes.

1 Q And were the entire four drawers unlocked or was
2 it only the Public Inspection File drawer that was unlocked?

3 A All four drawers.

4 Q Were unlocked?

5 A Were unlocked.

6 Q Were unlocked. Now, what -- where were you seated
7 during this period from the end of 1996 until the advent of
8 Ms. Sawaya?

9 A I was in the open office area.

10 Q Was your desk area in -- what kind of proximity
11 was it between your desk and the location of the file
12 cabinet that had the Public Inspection File?

13 A I don't know how this is going to show up on the
14 tape.

15 Q Try to describe it verbally and we'll see if we
16 can make it work?

17 A Okay. Well, I was sitting in the big main office
18 area, I sat in my cubicle area, there's partitions, office
19 partitions to break it up into various individual office
20 spaces. And I sat in one corner of the big office. And the
21 file cabinet, four drawer file cabinet, was in my
22 partitioned area there, within that, shall we say, an area
23 which today is eight feet by ten feet, so the file cabinet
24 is, if I'm sitting here, the cabinet would be maybe just on
25 the other side of the glass wall.

1 Q So, the cabinet would have been located roughly
2 five feet from where you sat?

3 A Five, eight feet.

4 Q Five to eight feet?

5 A Or six, yes.

6 Q It was visible from where you sat?

7 A Yes.

8 Q You could almost reach out and touch it?

9 A Not quite that close.

10 Q You'd have to get up?

11 A I'd have to get up out of my desk.

12 Q Take a couple of steps?

13 A Yes.

14 Q Was there -- let's see, I think you indicated that
15 it was roughly in your partitioned area, was it immediately
16 accessible to anybody else's partitioned area?

17 A My partitioned area was more than, held more than
18 just me, and it does to this day, sometimes generally two
19 and three of us work in my partitioned area, a small little
20 cubicle that only holds one person.

21 Q So your question again was?

22 A Were there other persons that had the same kind of
23 access to the Public Inspection File that you did, in other
24 words they were seated in your general area and they could
25 see it, they could get up easily and reach it?

1 A Given where it was, sitting in that corner of the
2 office there, I mean anybody would have to get up out of
3 their chair to go over to it. Does that answer?

4 Q You're fine, you're on the right track.

5 A Okay.

6 Q Did you ever, in the course of this period of
7 time, the end of 1996 until the Public File was moved to
8 Ms. Sawaya's office, did you ever put documents into the
9 Public File for any reason?

10 A If I was requested to.

11 Q And do you recall being requested to do so at
12 various points in time?

13 A I recall, thinking back, I don't recall -- I mean
14 other than -- I remember there was -- I was reminded of an
15 email recently that Michael Johnson asked me to put some
16 items in the Public File regarding some mayoral debate, some
17 items about mayoral debates that we did in 1999. And my
18 answer on that email was yes, I will. And I assume, given
19 that was probably early 2000 that I did that.

20 Q Mr. Johnson was a predecessor of Ms. Sawaya?

21 A Yes.

22 Q In the General Manager's position?

23 A Yes.

24 Q Roughly what period of time was he General
25 Manager?

1 A He was General Manager from mid 1998 through
2 September 2000.

3 Q And who followed him as General Manager?

4 A The position was opened until -- I was acting, he
5 left in September of 2000 and at that point the School
6 District hadn't appointed a new one until Ms. Sawaya came
7 on. And I was asked to be acting Station Manager during
8 that period of time by the person who was School District
9 Administrator at the time.

10 Q so, going back in time for Ms. Sawaya, we have
11 Ms. Sawaya is the current Station Manager or General
12 Manager, whatever the proper term is. Then before her you
13 were the acting Station Manager or General Manager for a
14 period of about what, six months?

15 A Let's see, October through February, I think she
16 started, I believe she started about March 1, 2000.

17 Q So, more like a five month period?

18 A About five months there.

19 Q And then prior to your being the acting General
20 Manager or Station Manager, it was Michael Johnson?

21 A Right.

22 Q And he was in that position as Station Manager or
23 General Manager for roughly to years?

24 A Mid 1998 through September of 2000, it's about two
25 years.

1 Q Prior to Michael Johnson, who was the Station
2 Manager or General Manager?

3 A I was acting Station Manager again from the time
4 Jeff Ramirez left the radio station in the end of January
5 1998 until Michael Johnson was appointed to the position.

6 Q So, from February 1998 until September 1998?

7 A No, it was, I want to say, I believe it would be
8 more like the Summer, around June, maybe July of 1998,
9 several months.

10 Q So, a period of anywhere from four to six months?

11 A Somewhere around four months, I think. I was
12 trying to think about that, when exactly he actually was
13 appointed. I want to say it was more like June or July.

14 Q During those periods of time when you were the
15 acting Station Manager or General Manager, did you get to
16 move into the office of General Manager or did you have to
17 stay at your cubicle or wherever it was?

18 A Oh, in my cubicle. I generally stayed out in my
19 own office, since I realized this was just going to be -- I
20 didn't want to move everything of mine into the Station
21 Manager's office since I was assuming there would be a new
22 Station Manager at anytime. So, I didn't want to get too
23 comfortable in that office. So, occasionally I would use
24 the office, because it was the only private office in the
25 station. So, sometimes if I wanted to work quietly I might

1 move in there to do a few things but for the most part I
2 kept my own desk outside, where I have it to this day.

3 Q Very wise. Now, prior to the end of 1996, so in
4 other words before you moved to the Burton High School
5 location, you had mentioned that the offices were located in
6 a basketball court?

7 A Correct.

8 Q Or what was a basketball court, I guess?

9 A A basketball court.

10 Q And --

11 A They had left the floor there, the basketball
12 hoops were up still.

13 Q All right. So, when anybody got bored they could
14 just break out a basketball and have an impromptu game?

15 A What happened was, that lasted until the first
16 basketball bounced on the first computer monitor, then the
17 basketballs all went away.

18 Q I see, I see. Well, it doesn't work out like the
19 commercials we see where the golfers are, you know, breaking
20 glass and everything, not a good thing.

21 A No.

22 Q All right. So, for a four and a half to five year
23 period when the offices were at the basketball court, where
24 was the station Public Inspection File in relation to where
25 you sat?

1 A It was, there was an open area, we put up, we put
2 together some tables and chairs, again this was on the
3 basketball court, and a file cabinet was, again that very
4 same file cabinet was in that area where I sat. And the
5 area again was, it was actually quite a bit larger given we
6 had room to spread out. And it was a general work area
7 where I sat, volunteers would have areas to work. We had a
8 couple of computers there, a computer printer, and they were
9 laid out.

10 Q So, the Public Inspection File was located in the
11 same drawer as it is currently?

12 A Not where it is currently. It was moved in 2001
13 to Nicole Sawaya's office.

14 Q Okay.

15 A The file cabinet itself stayed but the contents
16 were moved out of that file cabinet into the cabinet, file
17 cabinet in Nicole Sawaya's office.

18 Q Fairly said. In terms of the period prior to
19 March of 2001, when you had mentioned that there was a four
20 drawer file cabinet and one of the drawers had the Public
21 Inspection File, was that the same situation that existed in
22 the 1991 to 1996 period when the offices were located on the
23 basketball court?

24 A Yes.

25 Q So, there was one drawer out of four that

1 contained whatever was in the station's Public Inspection
2 File?

3 A Um-hum.

4 Q That's a yes?

5 A Yes.

6 Q And at the time all four drawers of that file
7 drawer cabinet were unlocked?

8 A Yes.

9 Q And during that 1991 to 1996 period, did you have
10 any responsibility whatsoever for maintaining the contents
11 of that Public Inspection File?

12 A I didn't have responsibility to maintain it.

13 Q Did you have any responsibilities at all with
14 respect to the Public Inspection File?

15 A I would say that if the General Manager asked me
16 to place something in there, such as a copy of an Ownership
17 Report, or some other document, I would have placed it in
18 there.

19 Q And I believe, you know, what you told us before
20 was that the station General Manager was the person who was,
21 to your understanding, responsible for maintaining the
22 Public File in that 1991 to 1996 period?

23 A Correct.

24 Q And would that also have been the case following
25 your move to Burton High School, that the station General

1 Manager would have had responsibility for maintaining the
2 Public File?

3 A Correct.

4 Q So, in some senses though, there did come a time,
5 because of your becoming acting General Manager or Station
6 Manager, that you personally had responsibility for
7 maintaining the Public Inspection File?

8 A At that time I was the acting Station Manager, if
9 I needed, if I felt that something needed to be put in
10 there, I would have put it in.

11 Q You personally would have done it?

12 A I would have done it, there would have been no one
13 else there.

14 Q I recognize that there aren't that many people to
15 delegate things to, so it's not as if you've got a great
16 staff to call somebody in --

17 A Exactly. As of October, by October 1st the staff
18 consisted of myself and we had four permanent announcers and
19 several as needed announcers, and Phil Hartman as our
20 contract engineer, and that was the entire staff in October.

21 Q October of what year?

22 A October of 2000.

23 Q So, your second stint as acting General Manager,
24 it's not as if you had a lot of people to boss around.

25 A Yes, a pretty small group to boss around.

1 Q And what was the case during your first stint as
2 acting General Manager?

3 A There was, it was similar, we've always been a
4 small operation. There was, in that time, who was there
5 still? Besides announcers and Phil Hartman, there was, we
6 had an administrative aid person that was there working, her
7 name was Teresa Nguyen, and she worked part time as an
8 administrative function in the station, answering phones,
9 stuffing envelopes, et cetera.

10 Q Now, focusing on the period following 1991 up to
11 the point when Ms. Sawaya became the Station Manager, so
12 that's roughly what, a ten year period, 1991 to 2001?

13 A Yeah.

14 Q Did it ever come to your attention that someone
15 at, someone removed a document from the station's Public
16 File and didn't put it back?

17 A I had no knowledge that somebody had, or if
18 somebody had done that.

19 Q Did anybody ever tell you that, you know, I think
20 somebody, you know, identifying the person, took something
21 out of the Public File and didn't put it back?

22 A I never had a conversation like that, that I can
23 recall.

24 Q Now, we talked a little bit about Mr. Evans and I
25 take it that you were in a position to see him on a regular

1 basis while he was the station's Chief Engineer?

2 A Yes.

3 Q And did you, during that period of time, did you
4 have conversations with Mr. Evans about anything having to
5 do with the operation of the radio station?

6 A Yes.

7 Q Did you form any impression of Mr. Evans' honesty
8 as a result of these conversations?

9 A I'm not clear about --

10 Q Well, in other words, if he told you something
11 having to do with the operation of the radio station, would
12 you have any reason to not believe him?

13 A I generally, yeah, I would say that I believed, if
14 he made some statement of fact, I took it as fact, I didn't
15 generally have any reason to challenge, if he mentioned
16 anything of fact.

17 Q Did there ever come a time when it came to your
18 attention that whatever it was that he told you was untrue?

19 A Not that I can recall.

20 Q Do you have any -- so, on the basis of that, what
21 opinion, if any, would you have with respect to Mr. Evans'
22 honesty?

23 A In my interactions with him, I would have no
24 reason to believe he was dishonest.

25 Q Fair enough. And I take it that other co-workers

1 would occasionally discuss Mr. Evans work performance in
2 your presence?

3 A I recall conversations with Rose Levinson, and I
4 believe even Enrique Palacios, about the frustrations that I
5 mentioned before about Dave not being, Dave Evans not being
6 as available as they wished he was during the design phase
7 of the studios.

8 Q Did any hostility arise, you know, from Mr. Evans
9 as a consequence of Mr. Hartman being brought on as a
10 contract engineer?

11 A No. I think he actually liked it, that he had
12 somebody else there to take on responsibilities. They
13 seemed to get on well.

14 Q These crazy engineers.

15 A Yeah.

16 Q Do you have any knowledge as to Mr. Evans'
17 reputation as to his character?

18 A I can't say I have anything one way or the other.

19 Q Now, does the name Jason Lopez mean anything to
20 you?

21 A Yes.

22 Q And how is it that that name means something to
23 you?

24 A Well, let's see, he's a radio producer, he's also
25 involved in the license challenge. At one point he was

1 employed as an as needed announcer at KALW.

2 Q And so how far back does your acquaintance with
3 Mr. Lopez go?

4 A Approximately 1993 or so, as I recall, 1993, yes.

5 Q And at that point you were already employed at the
6 radio station and how did Mr. Lopez come into the picture?

7 A As I recall, he had been working at a radio
8 station, a public radio station in Iowa, and came to San
9 Francisco, I don't recall what brought him coming to San
10 Francisco but, we saw his, the General Manager at the time,
11 Jerry Jacob, saw that he had some talent as a radio
12 announcer and he agreed to accept a position as an as needed
13 radio announcer at KALW.

14 Q And that situation lasted for approximately how
15 long?

16 A Up until 1997.

17 Q And what happened at that point?

18 A I believe the license challenge pretty much at
19 that point, I don't think he worked as an as needed
20 announcer after the license challenge.

21 Q His welcome may have worn out?

22 A You could construe that.

23 Q Now, did you have any personal interaction with
24 Mr. Lopez?

25 A Yes.

1 Q And at this point I'm focusing on the period 1993
2 to 1997.

3 A Okay.

4 Q And so your answer would be yes, that you had some
5 personal interaction with him during those years?

6 A Yes. One of my duties was to sign up as needed
7 announcers when they were needed, and so as Jason was one of
8 our as needed announcers, substitute as needed announcers, I
9 would often call him up and see if he would work a
10 particular shift.

11 Q Did you or Mr. Lopez ever talk about, you know,
12 why it was that a Petition to Deny was filed against the
13 KALW renewal application?

14 A No.

15 Q Are you aware of Mr. Lopez having conversations
16 with others at the radio station about the license renewal
17 challenge that Golden Gate Public Radio filed?

18 A I'm not aware of his conversations.

19 Q From your dealings with Mr. Lopez, do you have any
20 opinion as to his honesty?

21 A I don't have any opinion.

22 Q Do you have any knowledge as to his reputation for
23 character?

24 A I have no opinion.

25 Q Does the name Deirdre Kennedy mean anything to

1 you?

2 A Yes.

3 Q And how is it that that name means something to
4 you?

5 A She was employed at KALW as an as needed announcer
6 in the same capacity as Jason Lopez.

7 Q Over what period of time?

8 A Early 1990s, but I couldn't tell you exact, I
9 don't recall an exact date, although I want to say very
10 early 1990s.

11 Q And it extended for what period of time?

12 A At least through the license challenge, I don't
13 recall after the license challenge if she was still doing
14 it, being in that capacity.

15 Q Did you have any personal interaction with
16 Ms. Kennedy during this period early 1990s to 1997?

17 A Yes.

18 Q What interaction was that?

19 A Again, it was contacting her when I needed a shift
20 filled at KALW and I would call her up and see if she would
21 work a specific shift or shifts.

22 Q And as a result of your interaction with her, did
23 you form any opinion as to her honesty?

24 A I never formed an opinion regarding her honesty
25 one way or the other.

1 Q Do you have any knowledge as to her reputation for
2 character?

3 A I have no knowledge one way or another.

4 Q Okay. The next document that I'll have your
5 counsel for the SFUSD go over with you is a declaration of
6 William Helgeson that appears to have been executed on
7 January 16, 1998, as part of the opposition to Petition to
8 Deny that was filed by SFUSD on January 20, 1998 at the
9 Federal Communications Commission.

10 MR. SHOOK: Off the record.

11 (Off the record at 10:52 a.m.)

12 (Back on the record at 10:58 a.m.)

13 MR. SHOOK: Back on the record.

14 THE WITNESS: Do you want this back or just hold
15 it?

16 MR. SHOOK: Why don't you hold onto it. I'll tell
17 you what, why don't you put it between yourself and Ms. Repp
18 so that it can be referred to as needed as we go along here.

19 THE WITNESS: Okay.

20 BY MR. SHOOK:

21 Q So, first off, on page two there appears to be a
22 signature and I recognize that you've got some sight
23 difficulties but, if you could please identify that
24 signature for me?

25 A The signature is mine, it appears to be mine, yes.

1 I would say that's mine.

2 Q Do you recall executing this declaration?

3 A Yes.

4 Q Now, if you could walk us through generally how
5 this, and then we'll get more specific as we go along but,
6 if you could give me a general idea of how this declaration
7 came into existence?

8 A As I recall, our legal representative, Earnest
9 Sanchez, prepared this document, asked me to --

10 MS. REPP: Could I just interject, you can discuss
11 -- to please not discuss the substance of the advice given
12 to you by Mr. Sanchez.

13 THE WITNESS: Okay. This was presented to me by
14 Mr. Sanchez, or probably, I can't recall if it was by
15 Mr. Sanchez or by Mr. Ramirez, and I reviewed it, the
16 information, read through it carefully, and then I signed
17 it. Is that --

18 MR. SHOOK: That's a fair starting point.

19 THE WITNESS: Okay.

20 MR. SHOOK: I recognize I may jump into
21 objectionable territory so I fully expect to hear from you
22 if that's so.

23 MS. REPP: Okay.

24 BY MR. SHOOK:

25 Q In terms of how this declaration was prepared, did

1 you handwrite any information that appears in this
2 declaration?

3 A I don't recall, no, I don't recall that at all.

4 Q In other words, did you, you know, a draft of the
5 declaration, did you write out a draft of the declaration by
6 hand?

7 A No.

8 Q Did you type out a draft of the declaration, you
9 know, at your computer terminal or whatever it is that you
10 would have used?

11 A No, I have no recollection of that.

12 Q Did you speak with someone, did you provide
13 someone the factual information that appears in your
14 declaration?

15 A I certainly had conversations with Jeff Ramirez,
16 once the license challenge was filed and we had to respond
17 to it, with the services of Mr. Sanchez. And I certainly
18 had conversations with Mr. Ramirez, and I believe Mr.
19 Sanchez as well, regarding what would be the content of
20 whatever I would declare.

21 Q Were you asked by Mr. Ramirez to provide a
22 declaration?

23 A I don't recall who asked me to make the
24 declaration.

25 Q But somebody asked you to provide a declaration.

1 A This piece of paper?

2 Q Yes, sir.

3 A Yeah.

4 Q Now, focusing on, I will read a paragraph or read
5 a sentence from a paragraph and then ask you a question or
6 two about that. With respect to paragraph two, the first
7 sentence reads, 'I am presently employed by the San
8 Francisco Unified School District (SFUSD) as Program Manager
9 for KALW FM: This position is also termed 'Operations
10 Manager'.'. That was information that you provided to
11 someone?

12 A It would have been knowledge to Jeff Ramirez.

13 Q It would have been within his general knowledge
14 cause of his position as Station Manager?

15 A He was my supervisor.

16 Q Now, moving onto the first sentence of paragraph
17 three, 'I have responsibility for maintaining a four drawer
18 file cabinet in my work area, located near my desk at KALW's
19 office'. The second sentence, 'The third drawer of that
20 file cabinet contains KALW's Public File.' Now, with
21 respect to the first sentence that reads, 'I have
22 responsibility for maintaining a four drawer file cabinet',
23 is that your sentence, is that your wording that 'I have
24 responsibility for maintaining a four drawer file cabinet'?

25 A The file cabinet, like I said, I explained where

1 it lived and it depends on how you -- I don't know what the
2 word 'maintain' is?

3 Q I understand that there could be nuances here but,
4 I'm just looking at this sentence and I think you know where
5 I'm going with this?

6 A Okay.

7 Q We've had, in our earlier conversation today, I've
8 asked a number of questions relative to who had
9 responsibility for maintaining the station's Public File
10 during various periods of time. And I believe your
11 testimony was to the effect that the General Manager was the
12 person who had responsibility for maintaining the station's
13 Public File. Is that an accurate rendition of what you told
14 me?

15 A That's, yes, the contents of the file.

16 Q Now, in terms of this particular sentence then,
17 the first sentence of paragraph three, 'I have
18 responsibility for maintaining a four drawer file cabinet in
19 my work area located near my desk at KALW's office', is that
20 an accurate statement?

21 A Maintaining a four drawer file cabinet, yes, sir.

22 Q And what would be involved in your maintaining
23 this four drawer file cabinet?

24 A I would put in the other three drawers, the non-
25 public, that contained matters non-Public File related, were

1 the drawers on a daily basis I would put in business related
2 material and keep my work in there related to business. The
3 Public File was one of the four drawers, the information
4 called the Public File was in one of those four drawers.

5 Q So, as far as maintaining that Public File drawer
6 is concerned, you would stand by the testimony that you gave
7 earlier today that that responsibility for maintaining that
8 file drawer was primarily the responsibility of the station
9 General Manager?

10 A The contents of the file were the responsibility
11 of the Station Manager, as far as I'm concerned.

12 Q Did you have any responsibility whatsoever for
13 maintaining that Public File drawer?

14 A Other than it just sat in there and I didn't put
15 any non-Public File information in that drawer, no.

16 Q Now, other than what you just mentioned, in terms
17 of basically I guess sort of like a negative responsibility,
18 you weren't supposed to put things in the Public File drawer
19 that belonged in one of the other drawers?

20 A The bills drawer, yeah.

21 Q You don't want to put private information or
22 station information of a non-public nature in the Public
23 File drawer?

24 A Exactly, yes, correct.

25 Q So, you would have had responsibility for making

1 sure that a piece of paper that was non-public didn't go
2 into the Public File drawer?

3 A Correct.

4 Q But, as far as actually maintaining the Public
5 File drawer, you did not have responsibility for doing so?

6 A No.

7 Q That was the station General Manager that had such
8 responsibility?

9 A True.

10 Q To your knowledge, was anybody else at the station
11 responsible for maintaining the Public File drawer?

12 A No, other than the Station Manager.

13 Q Now, moving on to paragraph four, it's a one
14 sentence paragraph, kind of like the way I write, it reads,
15 'I am aware of and have assisted with an ongoing affirmative
16 effort, since the arrival of Jeffrey Ramirez as General
17 Manager of KALW, to update and maintain the station's Public
18 Inspection File in accordance with the rules of the Federal
19 Communications Commission.' Did you write that sentence?

20 A I did not write that sentence.

21 Q Do you know who did?

22 A I don't know.

23 Q Do you fully subscribe to that sentence?

24 A What I would say is that I supported the General
25 Manager in fulfilling whatever request I would be given to

1 maintain the Public File.

2 Q In other words, if in the context of this
3 paragraph then, if Mr. Ramirez asked you to place something
4 in the station's Public File drawer, you would have done it?

5 A Yes.

6 Q Now, in terms of the sentence here stating, 'I am
7 aware of and have assisted with an ongoing affirmative
8 effort', what ongoing affirmative effort is being referred
9 to here?

10 A I believe, well, this was in January of 1998?

11 Q Yes.

12 A And in the time leading up to that, from the time
13 of the license renewal challenge, I think Jeff went back,
14 Jeff Ramirez went back into the file. I'm not certain what
15 he would --

16 Q Just take your time here and try to be as certain
17 as you can?

18 A Yes, okay. Beyond assisting him in whatever he
19 requested that I do, I don't recall exactly what specifics
20 this refers to. If he asked me to make copies of something,
21 I would have made copies of something. If he asked me to
22 put something in, I would have put something in. That would
23 have been the extent of my assisting in maintaining the
24 file.

25 Q Now, I recognize this is very difficult because

1 we're talking about a declaration that was made six and a
2 half years ago and it refers to events that extend another
3 year and a half back from there?

4 A Yes.

5 Q So, you know, I'll certainly try to indulge you as
6 much as possible in terms of allowing you to recall what's
7 going on here.

8 A Sure.

9 Q But, you know, let's try to step back in time,
10 it's now January 1998, there is this license renewal
11 challenge that was made in November of 1997, so that was
12 approximately two months earlier. And then, as I understand
13 it from your testimony and from other information that we
14 have, Mr. Ramirez had been Station Manager for about another
15 year and a half prior to that time. So, he came on board
16 sometime in 1996, sometime in the what, late Spring, early
17 Summer of 1996?

18 A Mid 1996 perhaps.

19 Q Okay. So, he's been the Station Manager for more
20 than a year prior to the time the license renewal challenge
21 is made?

22 A Uh-hum.

23 Q Now, the license renewal challenge is made and
24 among other things it's making various claims about what was
25 in and what wasn't in the station's Public Inspection File.

1 Now, in that context, when you are saying, 'I am aware of
2 and have assisted with an ongoing affirmative effort, since
3 the arrival of', in other words, going back now to when Mr.
4 Ramirez showed up, 'since the arrival of Jeffrey Ramirez as
5 General Manager of KALW, to update and maintain the
6 station's Public Inspection File'. In that context, is what
7 you're telling us that you're assisting with was simply
8 photocopying and placing in the file whatever documents it
9 was that Mr. Ramirez asked you to do so?

10 A Yes.

11 Q There was no other involvement?

12 A On my own, no. I didn't take any initiative to
13 decide to put things in.

14 Q And in the reference in the paragraph when it
15 says, 'in accordance with the rules of the Federal
16 Communications Commission', did you personally look at the
17 rules to see what the rules required?

18 A No, I didn't.

19 Q Did anybody tell you what the rules required?

20 A I don't recall anyone telling me what the rules
21 required.

22 Q Do you recall ever discussing with Mr. Ramirez
23 that the Public Inspection File rule requires X and we
24 either have X or we don't have X?

25 A I don't recall that kind of a conversation where

1 he quoted federal regulation.

2 Q So, would it be fair to say that this paragraph is
3 a bit of a stretch in the sense that it suggests, to me at
4 least, that your involvement with updating and maintaining
5 the file was a good deal more than what you're telling us it
6 actually was?

7 A I would say that I assisted Jeff when he requested
8 assistance regarding the file.

9 Q And that assistance would be either photocopying a
10 document and placing it in the file or simply placing a
11 document in the file?

12 A Or taking it out if he wanted to review something,
13 or putting it back in if it was taken out.

14 Q Were you given any --

15 A I don't recall --

16 Q -- any responsibility to organize the file in any
17 particular way?

18 A No.

19 Q Do you know how it was that the file drawer was
20 organized, or am I using organization, the word 'organized'
21 is a bit of a stretch?

22 A I think organization is a bit of a stretch. There
23 seemed to be documents in it much further back than covering
24 the current license period, documents going into the
25 eighties and it seemed even the seventies. But, so I didn't

1 -- so I didn't organize the drawer in anyway.

2 Q So, you were never asked by anybody to organize
3 the drawer?

4 A No.

5 Q And you didn't organize it on your own?

6 A No, I didn't.

7 Q Are you aware of anybody who was asked to organize
8 the drawer?

9 A I'm not aware.

10 Q Are you aware of anybody on their own organizing
11 the drawer?

12 A I'm not aware. I will say subsequent -- if I can
13 answer, just to add onto that, obviously it appears Susan
14 Hecht was requested to organize and, you know, go organize
15 it in some fashion, see what was in there. Other than that,
16 I couldn't say.

17 Q Now, we may have misunderstood what it was that
18 Ms. Hecht was supposed to do. Our current understanding of
19 what she was supposed to do was that she was simply supposed
20 to look in the Public File drawer and report back to
21 Mr. Ramirez what was there. Do you have an understanding
22 that she was asked to do something in addition to simply
23 telling him what the contents was?

24 A No, I don't.

25 Q So far as you know, she wasn't asked to organize